

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:20-00011

AKEEM R. DICKERSON

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant's motion to continue the trial and related deadlines. (ECF No. 19). In support of the motion and the need for a continuance, counsel for the defendant contends that he has been unable to go over a proposed plea agreement with his client given the COVID-19 pandemic. According to counsel for defendant, there is an agreement in principle to the plea agreement but he is unable to obtain defendant's signature.

The impact of the pandemic is well-documented and, in order to lessen the spread of the disease, a number of measures have been instituted in this court, including the delay of criminal matters. See General Order and General Order # 3 entered in In Re: Court Operations Under the Exigent Circumstances Created by the COVID-19 Pandemic, No. 2:20-mc-00052 (S.D.W. Va. March 13, 2020 and March 23, 2020) (Johnston, C.J.). Similarly, the regional jails and other institutions housing inmates have imposed limitations on visitation with inmates. Finally, the West Virginia Governor has issued a stay-at-home order to lessen the spread of COVID-19.

The government does not oppose defendant's request for a continuance.

In ordering the continuance of defendant's trial in this matter, the court finds that, due to the current danger to the public health caused by COVID-19, the ends of justice served by ordering the continuance outweigh the best interest of the defendant and the public in a speedy trial, pursuant to 18 U.S.C. § 3161(h) (7) (A). In so finding, the court considered the factors outlined in 18 U.S.C. § 3161(h) (7) (B) and finds that a failure to order this continuance "would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice." Id. § 3161(h) (7) (B) (i).

Accordingly, the court hereby **GRANTS** the motion to continue and **ORDERS** as follows:

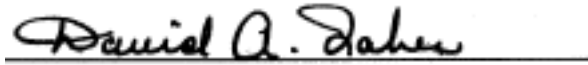
1. Trial of this action is continued until May 5, 2020, at 9:30 a.m., in Bluefield. Jury instructions and proposed voir dire are to be filed by April 28, 2020; and
2. Pursuant to 18 U.S.C. § 3161(h) (7) (A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States

Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 25th day of March, 2020.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge